

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, May 4, 2011, 9:30 a.m.

ACTION ITEMS:

1. Minutes, April 6, 2011 Worksession.

Action: Approved as amended, (DKP/WSB, 4-0).

2. **BZA-991 [CBA-296, SBA-593, CBA-1160, CBA-1388, CBA-1927, CBA-2406], Petition Mariner health of Maryland, Inc.** (nursing home). Letter to the Board from Paul Glasgow, Esquire, requesting a transfer of the special exception and an administrative modification. [Large exhibit: site plan].

Action: (1) Granted the transfer of the special exception; (2) granted the administrative modification; (3) the petitioner will provide a copy of the new subdivision plat once the process is completed, (DKP/SBB, 4-0).

3. **S-420 H, Petition of Holy Cross Hospital** (hospital). Letter to the Board from Eileen Cahill, Vice President, submitting the hospital's annual report and minutes from the Community Liaison Council Meetings.

Action: Re-opened the record to include Ms. Cahill's letter with attachments, (WSB/SBB, 4-0).

4. **S-1693, Petition of David K. Myers** (home occupation/general contractor). Letter from Louise Roy notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: (1) Revoked the special exception as abandoned; (2) dismissed the Show Cause Hearing, (SBB/WSB, 4-0).

5. **S-2711, Petition of Melody Butler d/b/a Butler Landscape Design** (landscape contractor). Order from the Circuit Court.

Action: Re-opened the record to include the Order from the Circuit Court, (DKP/SBB, 4-0).

DECISION ITEMS:

6. **S-2778, Petition of Robert Q. Gillespie** (private airstrip). Hearing Examiner's Report and Recommendation. Also included is a request for Oral Argument from Joseph Lynott, Esquire.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation; (2) dismissed the special exception as moot (SBB/WSB 4-0); (3) granted Mr. Lynott's request for a 100% (\$4,125.) refund of the filing fee, (DKP/SBB, 4-0).

7. **S-2784, Petition of Pervaiz Syed** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: Item deferred pending notification that Recommendation No. 2 of the Hearing Examiner's Report and Recommendation has been met, consensus.

PENDING ITEMS:

8. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
9. **S-763 [S-763-A], Petition of Silver Spring Temple and Library Association** (service organization). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site survey, roof and equipment location plan, building elevations, equipment details]. Deferred administrative modification request until a special exception application has been approved for the telecommunications facility. [W/S 3/10/10].
10. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].

PENDING ITEMS (continued):

11. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].

Board Members

Catherine G. Titus, Chair
David K. Perdue, Vice Chair
Walter S. Booth
Carolyn J. Shawaker - ABSENT
Stanley B. Boyd

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist